

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

IN RE:	:	CHAPTER 7
	:	
STANLEY’S ASPHALT PAVING, INC.,	:	CASE NO. 03-13610 (MFW)
	:	
Debtor.	:	
	:	
	:	
	:	

**NOTICE OF APPEAL**

Alfred T. Giuliano, the Chapter 7 trustee (the “Trustee”) in the case of Stanley’s Asphalt Paving, Inc. appeals under 28 U.S.C. § 158(a)(1) from the order of the Honorable Mary F. Walrath overruling in part the Trustee's Second Omnibus Objection to Claims and allowing the Barkers' secured claim for sale of truck entered in this case on October 13, 2006 (the “Order”) [Docket No. 86].

The names of the all parties to the Order are as follows:

Alfred T. Giuliano, Trustee and Appellant

Represented by:

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Fox Rothschild LLP  
919 North Market Street - Suite 1300  
Wilmington, DE 19801-2323  
- and -  
Michael G. Menkowitz, Esquire  
Magdalena Schardt, Esquire  
Fox Rothschild LLP  
2000 Market Street – 10th Floor  
Philadelphia, PA 19103-3291

Charles and Frances Barker, Appellee

Represented by:

William W. Pepper, Sr., Esquire  
Schmittinger & Rodriguez, P.A.  
414 S. State Street - P.O. Box 497  
Dover, DE 19903-1040

**FOX ROTHSCHILD LLP**

By: /s/ Sheldon K. Rennie  
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Attorneys for Alfred T. Giuliano, Chapter 7 Trustee

Dated: October 23, 2006

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

IN RE:	)	Chapter 7
	)	
STANLEY'S ASPHALT PAVING,	)	Case No. 03-13610 (MFW)
INC.,	)	
	)	
Debtor.	)	

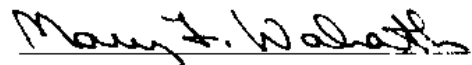
ORDER

AND NOW this 13th day of OCTOBER, 2006, upon consideration of the Trustee's Second Omnibus Objection to Claims and the Barkers' response thereto, it is hereby

ORDERED that the Objection is hereby OVERRULED IN PART, and it is further

ORDERED that the Barkers are ALLOWED a secured claim in the amount of \$20,000 (plus interest earned thereon, if any) and an unsecured claim in the amount of \$68,515.22.

BY THE COURT:



Mary F. Walrath  
United States Bankruptcy Judge

cc: William W. Pepper, Esquire<sup>1</sup>

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<sup>1</sup> Counsel shall serve a copy of this Opinion and Order on all interested parties and file a Certificate of Service with the Court.

SERVICE LIST

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Counsel for the Barkers

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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE

**APPEAL TRANSMITTAL SHEET**

Case Number: \_\_\_\_\_ ☐ BK ☐ AP  
If AP, related BK Case Number: \_\_\_\_\_

Title of Order Appealed:

\_\_\_\_\_  
Docket Number: \_\_\_\_\_ Date Entered: \_\_\_\_\_

Item Transmitted: ☐ Notice of Appeal ☐ Motion for Leave to Appeal  
☐ Amended Notice of Appeal ☐ Cross Appeal  
Docket Number: \_\_\_\_\_ Date Filed: \_\_\_\_\_

\*Appellant/Cross Appellant:

\*Appellee/Cross Appellee

\_\_\_\_\_  
Counsel for Appellant:

\_\_\_\_\_  
Counsel for Appellee:

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*\*If additional room is needed, please attach a separate sheet.*

Filing Fee paid? ☐ Yes ☐ No

IFP Motion Filed by Appellant? ☐ Yes ☐ No

Have Additional Appeals to the Same Order been Filed? ☐ Yes ☐ No

If so, has District Court assigned a Civil Action Number? ☐ Yes ☐ No Civil Action # \_\_\_\_\_

Additional Notes:

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\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Bankruptcy Court Appeal (BAP) Number: \_\_\_\_\_  
7/6/06

\_\_\_\_\_  
FOR USE BY U.S. BANKRUPTCY COURT